

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CHARLIE L. HARDIN,)	
)	
Plaintiff,)	
)	
v.)	1:19CV674
)	
KATY POOLE, et al.,)	
)	
Defendants.)	

ORDER

This matter is before this court for review of the Recommendation filed on February 17, 2022, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 78.) In the Recommendation, the Magistrate Judge recommends the motion for summary judgment filed by the 11 served Defendants in this case, (see Doc. 59), be granted. In addition, the Magistrate Judge recommends that the claims against unserved Defendants Fisher, Harrison, and Carol be dismissed pursuant to 28 U.S.C. § 1915(e)(2). The Recommendation and notice were served on the parties to this action on February 17, 2022. (Docs. 78, 79.) Plaintiff filed objections, (Doc. 80), and Defendants responded, (Doc. 81), to the Recommendation.

Plaintiff's objections are a conclusory and unfounded criticism of the Magistrate Judge which is insufficient to

require de novo review. "Section 636(b)(1) does not countenance a form of generalized objection to cover all issues addressed by the magistrate judge; it contemplates that a party's objection to a magistrate judge's report be specific and particularized, as the statute directs the district court to review only 'those portions of the report or specified proposed findings or recommendations to which objection is made.'" United States v. Midgette, 478 F.3d 616, 621 (4th Cir. 2007) (quoting 28 U.S.C. § 636(b)(1)). Plaintiff's complaints in his objections fail to raise a specific, substantive objection. While the objections may be overruled for this reason alone, out of an abundance of caution, this court will proceed with de novo review.

This court "make[s] a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). Upon review, this court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge . . . or recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate

Judge's Recommendation. This court therefore adopts the Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 78), is **ADOPTED. IT IS FURTHER ORDERED** that Defendants' Motion for Summary Judgment, (Doc. 59), is **GRANTED**, that Plaintiff's claims against Defendants Fisher, Harrison, and Carol are **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2), and that this action is hereby, **DISMISSED**.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 21th day of March, 2022.


United States District Judge